IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI WESTERN DIVISION

KANSAS CITY CEMENT MASONS,)	
PENSION FUND, et al.,)	
)	
Plaintiffs,)	
)	
V.)	Case No. 4:17-cv-00307-BP
)	
LUCAS STUCCO STONE AND BRICK –)	
MASONRY DIVISION, LLC,)	
)	
Defendant.)	

JOINT MOTION TO EXTEND DEFENDANT'S TIME TO FILE ANSWER TO PLAINTIFFS' COMPLAINT

COME NOW, Plaintiffs and Defendant Lucas Stucco Stone and Brick – Masonry Division (hereinafter "Lucas Stucco – Masonry Division"), by and through their respective attorneys, and for their Joint Motion to Extend Defendant's Time to File Answer to Plaintiffs' Complaint, states as follows:

- 1. Plaintiffs filed their Complaint on April 25, 2017.
- 2. Defendant Lucas Stucco Masonry Division was served on or about May 3, 2015.
- 3. After it was served, Defendant Lucas Stucco Masonry Division contacted counsel and engaged counsel to represent it in this matter.
- 4. On May 15, 2017, Defendant's counsel contacted Plaintiffs' counsel and requested a brief extension of time within which to file Defendant's answer to Plaintiffs' Complaint. Plaintiffs' counsel consented to Defendant's request. The Court approved Defendant's motion and extended the time for Defendant to file its answer. Currently, Defendant's answer is due on or before June 30, 2017.
- 5. In the interim, the parties have been engaged in a series of settlement discussions in an attempt to resolve this matter. The parties have discussed the issue and believe that an extension

of time for Defendant to file its answer while the parties continue to explore settlement and engage in fruitful discussions would be beneficial and an effective use of resources. Given the intervening holiday, the parties agree that extending the time for Defendant to file its answer until August 18, 2017, is not unreasonable.

6. This motion is not made to interpose delay or hinder the prosecution of Plaintiffs' claims, and extending the time for Defendant to file its answer will not cause prejudice to Plaintiffs or any other party.

WHEREFORE, the parties respectfully move this Court to enter an Order permitting Defendant to file its respective answer to Plaintiffs' Complaint on or before August 18, 2017.

Respectfully submitted,

LOWENBAUM LAW

/s/ David P. Frenzia

Corey L. Franklin, # 52066 David P. Frenzia, #60440 222 South Central Avenue, Suite 900 St. Louis, MO 63105 (314) 863-0092 – Telephone (314) 746-4848 – Facsimile cfranklin@lowenbaumlaw.com

dfrenzia@lowenbaumlaw.com

Attorneys for Lucas Stucco Stone and Brick – Masonry Division, LLC ARNOLD, NEWBOLD, WINTER & JACKSON, P.C.

/s/ John J. Westerhaus (by consent)

Michael G. Newbold, # 25523 John J. Westerhaus, # 65266 1100 Main Street, Suite 2001 Kansas City, MO 64105 Telephone: (816) 421-5788 Facsimile: (816) 471-5574 mgnewbold@anwjpc.com jjwesterhaus@anwjpc.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that I have on June 28, 2017, served a true and correct copy of the foregoing via the Court's e-filing system upon the following:

Michael G. Newbold, # 25523 John J. Westerhaus, # 65266 Arnold, Newbold, Winter & Jackson, P.C. 1100 Main Street, Suite 2001 Kansas City, MO 64105 Telephone: (816) 421-5788 Facsimile: (816) 471-5574

E-Mail: mgnewbold@anwjpc.com

jjwesterhaus@anwjpc.com

Attorneys for Plaintiffs

/s/David P. Frenzia